2007 OCT 22 Pil 2: 26

Dep & Pof

500.39461X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

plicants:

Ken NOZAKI et al.

Serial No.:

09/764,073

Filed:

January 19, 2001

For:

SYSTEM AND METHOD FOR SCORE CALCULATION

Group:

3628

Examiner:

C. Graham

REQUEST FOR REFUND

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 October 18, 2007

Sir:

Applicants request a refund in the above-identified application due to an error on the part of the United States Patent & Trademark Office (USPTO).

On June 24, 2005, Applicants filed an Amendment that included three extra independent claims (3 x \$200 = \$600) and two extra claims in total (2 x \$50 = \$100). Applicants herewith submit a copy of the Patent Application Fee Determination Record (Exhibit A) that indicates a "paid" status in the amount of \$700 for the extra independent claims and extra claims in total.

However, under the Amendment C box, the USPTO indicates that there was only one extra independent claim (1 x 200 = 200) and two extra claims in total (2 x 500 = 100) to be charged to the Applicants, which would have been a total amount of 300 in extra claim fees. Applicants respectfully point out this error on the part of the USPTO and submit that the Amendment filed on June 24, 2005 was filed with three additional independent claims and two additional claims in total as stated

above. If the USPTO believed that their claim count was correct, there is no evidence of a refund to the Applicants in the amount of the additional \$400 paid to the USPTO for the June 24, 2005 Amendment.

In addition, on January 6, 2006, Applicants filed another Amendment which canceled claims 3 and 4 and did not include any additional independent or excess of total claims. However, the Applicants' representative's Monthly Statement of Account for January 2006 (Exhibit B) indicates that a fee in the amount of \$400 was charged to the deposit account on January 18, 2006.

Applicants submit herewith another Patent Application Fee Determination Record (Exhibit C) which indicates under the Amendment A box, that the USPTO miscalculated the "Highest Number Previously Paid For" as Applicants having paid for only four (4) independent claims as opposed to the six (6) independent claims paid for in the June 24, 2006 Amendment.

Applicants believe that the USPTO inappropriately charged the deposit account on January 18, 2006 in the amount of \$400 due to the miscalculation of the claims in both the June 24, 2005 and the January 18, 2006 amendments. Applicants enclose herewith a Claim Chart (Exhibit D) indicating the claims as prosecuted in the instant application for the Refund Branch's convenience.

Please credit a refund in the amount of \$400.00 to the Deposit Account No. 50-1417, Ref.: 500.39461X00.

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Donna K. Mason

Registration No. 45,962

DKM/cmd (703) 684-1120

PATENT APPLICATION FEE DETERMINATION RECORD Effective October 1, 2000										
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Deposit Account Statement

Requested Statement Month:

January 2006

Deposit Account Number:

501417

Name:

MATTINGLY STANGER & MALUR, P.C.

Attention:

Address:

1800 DIAGONAL ROAD, SUITE 370 ALEXANDRIA

City:

VA

State:

22314

Zip: Country:

UNITED STATES OF AMERICA

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